

28 U.S.C. §1915(b)(1)(A) and (B), the custodian of the plaintiff's inmate trust account at the institution where he now resides is directed to submit to the Clerk, U.S. District Court, 200 South Jefferson Street, Room 201, Winchester, Tennessee 37398, as an initial partial payment, whichever is greater of:

(a) twenty percent (20%) of the average monthly deposits to Kimble's inmate trust account; or

(b) twenty percent (20%) of the average monthly balance in Kimble's inmate trust account for the six-month period preceding the filing of the complaint.

Thereafter, the custodian shall submit twenty percent (20%) of Kimble's preceding monthly income (or income credited to Kimble's trust account for the preceding month), but only when such monthly income exceeds ten dollars (\$10.00), until the full filing fee of three-hundred and fifty dollars (\$350.00) as authorized under 28 U.S.C. § 1914(a) has been paid to the Clerk. 28 U.S.C. §1915(b)(2).

The Clerk is **DIRECTED** to send a copy of this memorandum and order to the Sheriff of Cheatham County, the Custodian of Inmate Accounts at the Cheatham County Jail, the Commissioner of the Tennessee Department of Correction, and the Attorney General for the State of Tennessee to ensure that the custodian of Kimble's inmate trust account complies with that portion of the Prison Litigation Reform Act relating to payment of the filing fee.

II. Venue

The plaintiff is presently an inmate at the Cheatham County Jail in Ashland City, Tennessee. He brings this action against defendants who are Cheatham County

employees, for incidents that occurred during his incarceration in the Cheatham County Jail.

Venue for § 1983 actions is governed by 28 U.S.C. § 1391(b), which requires that an action be brought in the judicial district where one of the defendants resides, if all defendants reside in the same State, or where the claim arose. In this instance, it is apparent that none of the defendants reside in this judicial district and that the claim did not arise in this district. Therefore, venue for this action properly rests in the judicial district where the claim arose. The claim arose at the Cheatham County Jail in Ashland City, Tennessee, which is within the Middle District of Tennessee. 28 U.S.C. § 123(b). Consequently, proper venue for this action lies in that judicial district. Therefore, this case will be **TRANSFERRED** to the United States District Court for the Middle District of Tennessee, Nashville Division, at Nashville, Tennessee. 28 U.S.C. § 1406(a).

An appropriate order will enter.

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE